IN THE CLAIMS

Please consider the claims as follows:

1. (canceled)

2. (currently amended)   A memory for storing bitstream segments associated with a program, the bitstream segments data structure, comprising:

a variable bit rate (VBR) program stream, comprising a first plurality of variable bit rate (VBR) coded bitstream segments; and

a substantially constant low bit rate (CLBR) program stream, comprising a second plurality of constant low bit rate (CLBR) bitstream segments;

said VBR and CLBR bitstream segments program streams comprising information associated with a common program to be served via a communications link; wherein

for each of a plurality of bitstream segments forming said common program, at least one of a VBR and a corresponding CLBR bitstream segment is provided to a communications link in accordance with bandwidth availability indicia.

3. (currently amended)   The memory data structure of claim 2, wherein at least some CLBR bitstream segments of said CLBR program stream are generated by transcoding corresponding VBR bitstream segments in response to said bandwidth availability indicia.

4. (currently amended)   The memory data structure of claim 2, wherein said bandwidth availability indicia comprises at least one of an indicator of disk bandwidth and an indicator of communications link bandwidth.

5. (currently amended)   The memory data structure of claim 2, wherein each of said VBR and CLBR bitstream segments program streams comprise transport streams.

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6. (currently amended)   The memory data structure of claim 2, wherein each of said VBR and CLBR bitstream segments program streams comprise transport streams in substantial compliance with the MPEG-2 transport stream format.

7. (currently amended)   The memory data structure of claim 4, wherein both of said VBR and said corresponding CLBR bitstream segments are provided to said communications link in response to available disk bandwidth above a first threshold level.

8. (currently amended)   The memory data structure of claim 7, wherein only said VBR bitstream segments are provided to said communications link in response to available disk bandwidth below said first threshold level.

9. (currently amended)   The memory data structure of claim 7, wherein only said CLBR bitstream segments are provided to said communications link in response to available disk bandwidth below a second threshold level.

10. (currently amended)   The memory data structure of claim 2, wherein said VBR coded bitstream segments are encoded according to a quality constrained encoding algorithm.

11. (currently amended)   The memory data structure of claim 2, wherein said CLBR coded bitstream segments are encoded according to a bitrate constrained encoding algorithm.

12. (currently amended)   The memory data structure of claim 3, wherein said CLBR coded bitstream segments are transcoded according to a bitrate constrained encoding algorithm.

13. (currently amended)   The memory data structure of claim 2, wherein said transcoding process is adapted according to said bandwidth availability indicia.

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14. (previously presented) A method for providing a program stream, comprising:

retrieving, from a mass storage device in response to a program request from a user, respective segments of at least one of a variable bit rate (VBR) program stream and a constant low bit rate (CLBR) program stream; and

providing at least one of a said VBR and said CLBR program stream segments to a communications link adapted to serve said requesting user in accordance with bandwidth availability indicia;

said VBR program stream comprising a first plurality of VBR coded bitstream segments, said CLBR program stream comprising a second plurality of CLBR bitstream segments, said VBR and CLBR program streams comprising information associated with said requested program.

15. (previously presented) The method of claim 14, wherein only said VBR program stream segments are retrieved from said mass storage device, said method further comprising:

transcoding said retrieved VBR program stream segments to produce corresponding CLBR program stream segments.

16. (previously presented) The method of claim 15, wherein said transcoding produces bitrate constrained CLBR program stream segments in response to a communications link bandwidth availability indicator.

17. (previously presented) The method of claim 14, wherein said bandwidth availability indicia comprises at least one of an indicator of disk bandwidth and an indicator of communications link bandwidth.

18. (previously presented) The method of claim 14, wherein each of said VBR and CLBR program streams comprise transport streams.

19. (previously presented) The method of claim 14, wherein each of said VBR and CLBR program streams comprise transport streams in substantial compliance with the MPEG-2 transport stream format.

20. (previously presented) The method of claim 17, wherein both of said VBR and said corresponding CLBR bitstream segments are provided to said communications link in response to available disk bandwidth above a first threshold level.

21. (previously presented) The method of claim 20, wherein only said VBR bitstream segments are provided to said communications link in response to available disk bandwidth below said first threshold level.

22. (previously presented) The method of claim 20, wherein only said CLBR bitstream segments are provided to said communications link in response to available disk bandwidth below a second threshold level.

23. (previously presented) The method of claim 14, wherein said VBR coded bitstream segments are encoded according to a quality constrained encoding algorithm.

24. (previously presented) The method of claim 20, wherein said CLBR coded bitstream segments are encoded according to a bitrate constrained encoding algorithm.